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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/418,536 10/14/99 POWERS

D 10981567-1

022878 QM12/0727
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EXAMINER

ORRPEZA, F

ART UNIT

PAPER NUMBER

3762

DATE MAILED:

07/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/418,536

Applicant(s)

POWERS ET AL.

Examiner

Frances P. Oropeza

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

FINAL ACTION

Response to Arguments

1. Applicant's arguments file on June 27, 2001 have been fully considered by the Examiner but they are not persuasive.

2. Applicant states Rockwell (US 6141584) does not provide for review of recorded ECG data on the defibrillator itself. Rockwell does provide for printing and review of the event summary by:

- transfer to a ACLS defibrillator (column 8, lines 41-52),
- transfer to a portable printer (column 8, lines 55-59), and/or
- adding and using a printer within the AED system (column 12, lines 8-10).

Displaying ECG and incident data on a defibrillation screen is well known in the art. Viewing the recorded ECG and incident data on the defibrillation screen or in a printed report is viewed as an obvious variance.

Claim Rejections - 35 USC § 103

3. Claims 1-12, 14, 17, and 19-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rockwell (US 6141584) in view of Bardy et al. (US 6108578) and in view of Freeman (US 6201992). As discussed in the first office action dated 3/27/01, Rockwell discloses the claimed invention except for displaying the recorded data on the defibrillation screen. Rockwell does provide for printing and review of the event summary by:

- transfer to an ACLS defibrillator (column 8, lines 41-52),
- transfer to a portable printer (column 8, lines 55-59), and/or
- adding and using a printer within the AED system (column 12, lines 8-10).

Displaying information on a screen or in printed format is well known in the art. Viewing the recorded ECG and incident data on the defibrillation screen or in a printed report is viewed as an obvious variance, and is supported by the references Bardy et al. and Freeman.

Bardy et al. disclose an electrotherapy device and teach the use of a defibrillator screen to display an "Event Review Mode" in automatic and manual operations of the defibrillator (column 13, lines 36-43). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the defibrillator and communication system as taught by Rockwell, and display the recorded data on the defibrillation screen as taught by Bardy et al.. One having ordinary skill in the art would have been motivated to make such a modification in the defibrillator and communication system to gain an alternate means of viewing the recorded data.

Freeman discloses a defibrillation unit with screen and printer, and teaches the use of a screen and/or a printer to convey a code summary which includes ECG data and data of interest (column 5, lines 3-58). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the defibrillator and communication system as taught by Rockwell, and display the recorded data on the defibrillation screen as taught by Freeman. One having ordinary skill in the art would have been motivated to make such a modification in the defibrillator and communication system to gain an alternate means of viewing the recorded data.

4. Claims 13 and 15-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Rockwell et al. (US 6141584) and Bardy et al. (US 6108578) and Freeman (US 6201992) in view of Powers et al. (US 5879374) for the reasons of record.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rockwell et al. (US 6141584) and Bardy et al. (US 6108578) and Freeman (US 6201992) in view of Brown (US 5345552) for the reasons of record.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fran Oropeza whose telephone number is (703) 605-4355. The examiner can normally be reached on Monday – Thursday from 6 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela D. Sykes can be reached on (703) 308-5181. The fax phone numbers for the

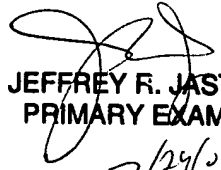
Art Unit: 3762

organization where this application or proceeding is assigned are (703) 306-4520 for regular communication and (703) 306-4520 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

Frances P. Oropeza
Patent Examiner
Art Unit 3762

FPO


JEFFREY R. JASTRZAB
PRIMARY EXAMINER

7/24/01

Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.